

AT A WORK SESSION OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, April 22, 2019 AT 4:30 P.M.

BOARD MEMBERS PRESENT: A.J. "JAY" LEWIS, II.
DANIEL E. LYONS
JOHN M. HIGGINS
R. W. DAY
DAVID W. HINTY, JR.

COUNTY ADMINISTRATOR
AND CLERK TO THE BOARD: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lewis opened the Work Session at 4:31 p.m.

VDOT 6- Year Plan Review:

County Administrator Spencer Suter stated that a few items had been added to the plan since last year and that there is a budget in place to fund all of the projects listed. He then advised that a very recent addition was requested, Sunnybrook Lane, that Ms. Hammond has suggested adding to next year's plan in order to prevent having to take funds from a current project and having to adjust the budget.

VDOT Residency Administrator Susan Hammond presented the estimated allocations chart for FY2020-2025, followed by review of the current projects. She advised that there had been a public hearing on the Route 606 Raphine Road Smart Scale project in February. She added that there was a really good turnout and a lot of good feedback was received. As a

result, she noted, there will be a modification to this project involving of a section of guardrail between the northbound off ramp and southbound on ramp that continues to get hit. She stated that modification would be to widen that particular shoulder of road and push back the guardrail to hopefully reduce the frequency it being hit.

Chairman Lewis shared that, at the public hearing there were some thoughts about the changes to Raphine Road, but asked if there were suggested improvements on Steels Fort Road. He also inquired about the northbound interstate exit and the possible widening of the road.

Ms. Hammond replied that hopefully they can facilitate a better right hand turn lane to get into the truck stop and Steels Fort Road. However, very little widening can be done at this time due to the interstate posts being so close to the guardrail right now. She added that they cannot make any changes to that specific piece of the roadway until future bridge replacement. Ms. Hammond reminded the Board that the project was being funded because the Board was willing to transfer federal dollars from another, inactive project, this project was made possible under the Smart Scale program.

Ms. Hammond continued reviewing the projects in the Six-Year Plan. During her review, she advised that the Route 644 Bird Forest Road project was shown to be overfunded by \$76,967, which is incorrect. She stated that \$76,967 would be transferred to the Route 661 Snakefoot Lane project.

Ms. Hammond then stated that the Route 674 Union Run project should be listed as Rural Rustic and that the Route 673 Wee Darnock Road project should be renamed to Wee Darnock Way.

Supervisor Higgins shared his appreciation of the Rural Rustic method stating it has been very useful and citizens have taken it well.

There was consensus by the Board to schedule a public hearing on the proposed Six-Year Plan for May 28, 2019.

Health Benefits Discussion:

Mr. Suter briefly reviewed the following information: "As you know, the County has been with the Local Choice health care system for many years. In addition to County staff, all constitutional offices, the Jail, Social Services, the Library and NBSWCD are on our plan as well. Together our pool annually hovers just above the 200 mark. Each year during the annual renewal process, the County reviews the current benefits package and looks for any potential savings opportunities and enhancements to the products offered. While we have little control over the annual rates, we are able to shift plan offerings and contributions to a model that is more valuable to the employees and the County. Starting in 2017, an employee benefits committee was created to allow employees a place to voice their perspectives and to create buy-in for any future benefit plans and costs implemented. The result was the decision to disseminate a survey to all staff to determine the concerns and opportunities for improvement.

Key Points from Survey Results

Over 50% of the 204 covered employees participated in the survey

- 62% of respondents believe that "the County should pay more for dependent care, but not all"
- 53% of respondents would be "interested in enrolling dependents if costs were lower"
- 68% of respondents were "interested in higher deductible for lower premium"

With employee concerns in-hand, we implemented a high deductible / HSA option. The enrollment rate on that plan was low the first year, but has since climbed to around 25. We also conducted a simple survey of our neighboring localities to find out how our plan designs and cost-sharing stacked up. This sample of data echoed the results of the employee survey data. I've shared the summary with you. Please note that in each case, employees with employee-only coverage share at least some cost for their insurance. However and conversely, the other localities also contribute a great deal more for dependent coverage. We are in the process of expanding this list to include some additional localities and also W&L and VMI. Both the survey and our research into other localities' offerings point to the fact that we should consider adjusting our package. We once again received our insurance quote from Local Choice late in the game this spring. Additionally, we requested proposals from major health plan carriers and the only response was from Anthem, and it was higher than our current plan. Finally, we requested an estimate from Anthem to become self-funded, which is a legitimate option, given our solid performance in the past several years. In this process, we learned that we would need to

collectively set aside \$250K to \$300K as a cushion to guard against a bad year. However, a self-funded plan would open the door for additional flexibility in plans that we could offer. We are currently very limited with the Local Choice. We only recently received the result of the self-funded option. OneDigital Benefit consultants provided an overview and summary early last week. In order to ensure adequate time for open enrollment, we needed to come up with a recommendation quickly. An additional challenge we found with self-funding is the necessity for a fairly substantial change in the internal accounting, which would take some time to set up. We briefed members of the Board Personnel Committee (Mr. Day has been sitting in for Mr. Higgins at Mr. Higgin's request). Then, we got together as many of the leadership of our covered agencies as possible to ask their opinion. The response was unanimous.

- They are in support of seeking a self-funded option.
- They support the concept of staff in the employee-only tier paying for some of their health care costs, but not without significant advance notice. They also supported a stepped implementation over more than one year.
- They would like for the employer to pick up more of the cost for dependents.
- If change is to occur, it would be best to wait and do it in FY2021.

Summarizing, we realize that a shift needs to occur within our organization in order to sustain our current benefit plans and to remain a competitive employer. Beginning this year, we would like to implement a strategic plan that presents possible long-term savings for County

agencies, provides more value-added plans for the employees, and builds a wellness-centered program to help control future benefit costs. As a part of the strategic plan, it is our recommendation to adjust employee and employer contributions to align with the adjacent localities.

As such, we have the following recommendations:

- 1) Stay with the existing local choice plan for FY2020.
- 2) Beginning July 1 or before, facilitate a concerted effort to make changes where possible in 2021, via strategic planning involving continued stakeholder input
 - a. Consider a self-funded option; there is risk associated, but part of our premium would purchase reinsurance so that there is a cap on individual large claims."

He noted that currently, the County contributes \$100 into health savings accounts for individuals but only \$40 for families on the high deductible plan. He explained that there are currently 10 families on that plan. He added that Supervisor of Accounts Julie Whitesell suggested just before the meeting paying \$100 across the board for both families and singles, realizing there will be a budget increase to do so.

Supervisor Higgins noted the potential of more families signing up increasing the budget.

Supervisor Hinty asked how many employees are currently signed up for HSA accounts.

Ms. Whitesell replied 15.

Supervisor Hinty asked how many employees are on the standard healthcare plan.

Ms. Whitesell replied, about 157.

Supervisor Higgins shared his agreement with pursuing the self-insured plan.

Supervisor Lyons stated that it is expensive to do so.

Chairman Lewis stated that it is important to recognize that a self-funded option includes secondary re-insurance for catastrophic claims.

Supervisor Lyons noted that self-funded usually works well in groups larger than the County's.

Supervisor Higgins agreed with the County's contribution of \$100 across the board for both family and single health savings accounts.

Supervisor Day asked if there were any way to predict how many employees may take advantage of the health savings account if the County's contribution increases.

Ms. Whitesell replied that she could not see more than four employees taking advantage of the family plan if left the way it currently is. However, she stated, should the Board raise the County's contribution to \$100 there may be around 10 who take advantage of this plan.

The Work Session ended at 5:11 p.m.

AT A REGULAR MEETING OF THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS
HELD IN THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICE BUILDING
AT 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA
ON MONDAY, APRIL 22, 2019 AT 5:30 P.M.

BOARD MEMBERS PRESENT: A.J. "JAY" LEWIS, II.
DANIEL E. LYONS
JOHN M. HIGGINS
R. W. DAY
DAVID W. HINTY, JR.

COUNTY ADMINISTRATOR
AND CLERK TO THE BOARD: SPENCER H. SUTER

COUNTY ATTORNEY: VICKIE L. HUFFMAN

CALLED TO ORDER:

Chairman Lewis called the meeting to order at 5:31 p.m. He advised that Supervisor Higgins would deliver the invocation for anyone who wished to participate.

Supervisor Higgins delivered the invocation and led in the Pledge of Allegiance.

Items to be added or removed from the Agenda:

Chairman Lewis called for items to add or remove from this Agenda. There were none.

Recognitions and Presentations:

Chairman Lewis called for any recognitions or presentations. There were none.

Citizens Comments:

Chairman Lewis called for citizens comments. There were none.

Approval of the March 21, 2019 Budget Minutes and April 8, 2019 Regular

Meeting Minutes:

Supervisor Higgins moved to approve the Minutes as presented. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

Ayes: Higgins, Hinty, Lyons, Day, Lewis
Nays: None
Absent: None
Abstain: None

Consideration of Schools Appropriation Resolution:

Fiscal Services Director Steven Bolster presented the Schools Appropriation Resolution and recommended approval as presented.

Supervisor Day moved to adopt the resolution as presented. A second was provided by Supervisor Hinty.

Supervisor Lyons asked Mr. Bolster if the expenditures related to the listed revenues were already in the budget.

Mr. Bolster replied, no, not to his knowledge.

Supervisor Lyons then asked if new positions were being created.

Mr. Bolster replied, he was unsure, adding that he was not aware of monies already have being expended and awaiting reimbursement.

The motion on the floor was made by Supervisor Day and seconded by Supervisor Hinty to adopt the resolution as presented. The motion then carried by unanimous roll call vote by the Board.

Ayes: Day, Hinty, Lyons, Higgins, Lewis
 Nays: None
 Absent: None
 Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING, 150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA, ON MONDAY, APRIL 22, 2019 AT 5:30 P.M.

On motion by Supervisor _____, seconded by Supervisor _____, the Board, by record vote adopted the following appropriation resolutions:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriations are, and the same hereby are made, for the period ending **June 30, 2019** in **FUND 50, SCHOOL FUND** and expended as follows:

New Grants

High School Innovation 2019

4-50-61100-1620-390-300-883	Teacher Salary.....	\$1,376.00
4-50-61100-2100-390-300-883	FICA.....	<u>\$114.00</u>
Subtotal		\$1,490.00

Title VI-B 611 2018

4-50-61100-1120-220-200-891	Teacher Salary.....	\$68,187.00
4-50-61100-1120-240-200-891	Teacher Salary.....	\$14,746.00
4-50-61100-1120-260-200-891	Teacher Salary.....	\$16,762.00
4-50-61100-1120-270-200-891	Teacher Salary.....	\$15,114.00
4-50-61100-1120-350-200-891	Teacher Salary.....	\$50,098.00
4-50-61100-2100-220-200-891	FICA.....	\$5,217.00
4-50-61100-2100-240-200-891	FICA.....	\$1,129.00
4-50-61100-2100-260-200-891	FICA.....	\$1,283.00
4-50-61100-2100-270-200-891	FICA.....	\$1,157.00
4-50-61100-2100-350-200-891	FICA.....	\$3,833.00
4-50-61100-2210-220-200-891	VRS.....	\$10,263.00
4-50-61100-2210-260-200-891	VRS.....	\$2,868.00
4-50-61100-2210-270-200-891	VRS.....	\$2,844.00
4-50-61100-2210-350-200-891	VRS.....	\$3,271.00
4-50-61100-2220-220-200-891	VRS.....	\$2,568.00
4-50-61100-2220-240-200-891	VRS.....	\$2,775.00
4-50-61100-2220-350-200-891	VRS.....	\$2,844.00
4-50-61100-2300-220-200-891	Hospitalization.....	\$1,969.00
4-50-61100-2300-240-200-891	Hospitalization.....	\$1,969.00
4-50-61100-2300-260-200-891	Hospitalization.....	\$1,969.00
4-50-61100-2300-270-200-891	Hospitalization.....	\$1,969.00
4-50-61100-2300-350-200-891	Hospitalization.....	\$3,852.00
4-50-61100-2400-220-200-891	GLI.....	\$1,072.00
4-50-61100-2400-240-200-891	GLI.....	\$232.00
4-50-61100-2400-260-200-891	GLI.....	\$240.00
4-50-61100-2400-270-200-891	GLI.....	\$238.00

4-50-61100-2400-350-200-891	GLI.....	\$788.00
4-50-61100-2510-220-200-891	VaCorp.....	\$45.00
4-50-61100-2510-240-200-891	VaCorp.....	\$48.00
4-50-61100-2750-220-200-891	RHIC.....	\$982.00
4-50-61100-2750-240-200-891	RHIC.....	\$213.00
4-50-61100-2750-260-200-891	RHIC.....	\$220.00
4-50-61100-2750-270-200-891	RHIC.....	\$218.00
4-50-61100-2750-350-200-891	RHIC.....	\$722.00
4-50-61310-1120-901-200-891	Teacher Salary.....	\$12,099.00
4-50-61310-2100-901-200-891	FICA.....	\$926.00
4-50-61310-2210-901-200-891	VRS.....	\$3,398.00
4-50-61310-2220-901-200-891	VRS.....	\$3,119.00
4-50-61310-2300-901-200-891	Hospitalization.....	\$1,969.00
4-50-61310-2400-901-200-891	GLI.....	\$284.00
4-50-61310-2510-901-200-891	VaCorp.....	\$54.00
4-50-61310-2750-901-200-891	RHIC.....	\$260.00
4-50-62230-1120-901-200-891	Teacher Salary.....	\$34,173.00
4-50-62230-2100-901-200-891	FICA.....	\$2,615.00
4-50-62230-2210-901-200-891	VRS.....	\$6,430.00
4-50-62230-2510-901-200-891	VaCorp.....	\$111.00
4-50-62230-2300-901-200-891	Hospitalization.....	\$1,883.00
4-50-62230-2400-901-200-891	GLI.....	\$538.00
4-50-62230-2750-901-200-891	RHIC.....	\$493.00
4-50-62230-3160-901-200-891	Purchased Services.....	<u>\$30,000.00</u>
Subtotal		\$320,057.00

TOTAL FUND 50 APPROPRIATIONS **\$321,547.00**

**Authorization to Schedule a Public Hearing on the VDOT Six-Year Plan for
May 28, 2019:**

Mr. Suter advised that the Work Session at 4:30 just concluded was a review of the proposed plan and the Public Hearing is requested to be held on Tuesday, May 28th.

Supervisor Hinty moved to authorize scheduling a Public Hearing on the proposed Six Year Plan for May 28, 2019. A second was provided by Supervisor Day, and the motion carried by unanimous roll call vote by the Board.

Ayes: Hinty, Day, Lyons, Day, Lewis
Nays: None
Absent: None

Abstain: None

Consideration of an Event Application for Boxerwood Education's Summer Music Festivals:

Community Development Director Sam Crickenberger explained that Boxerwood Education submitted its annual summer music festival events schedule. He recommended approval of the events application and the Board's participation at the events if they have the opportunity.

Supervisor Higgins moved to approve the event application. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

Ayes: Higgins, Hinty, Lyons, Day, Lewis
Nays: None
Absent: None
Abstain: None

Consideration of Final Plat Approval for Highland Farm Subdivision:

Mr. Crickenberger briefly reviewed the Agenda Item which included the following information: "Buddy Powers has submitted a final plat for your review and approval. This was the former Tardy property off of West Midland Trail just east of downtown Kerrs Creek. Mr. Powers was able to create four lots under the family subdivision definition and then one lot division through the administrative process. This sixth lot in the same calendar year exceeds our authority to approve. Family divisions are exempt from road standards. Two non-family lots may be served by a 20' foot R.O.W. VDOT has approved the entrances and all lots have approved drainfield sites. The Planning Commission has recommended approval of the final plat as this meets the requirements of the subdivision ordinance."

Mr. Powers was present to answer questions, however, there weren't any.

Supervisor Higgins commented that he had visited the site and it appeared they were doing a great job.

Supervisor Lyons moved to approve the final plat. A second was provided by Supervisor Higgins, and the motion carried by unanimous roll call vote by the Board.

Ayes: Lyons, Higgins, Day, Hinty, Lewis
Nays: None
Absent: None
Abstain: None

Consideration of AS400 Equipment Lease Purchase:

Mr. Bolster briefly reviewed the Agenda Item which included the following information: "In 2009, the County completed a 5-year, lease-purchase financing agreement to purchase an IBM hardware/software platform (Power6 model 8203-E4A) to run our core municipal applications. The current model goes end-of-service next month on our existing contract. In other words, IBM will no longer offer standard hardware maintenance service on the Power6 model. Dating back to the mid-1990s, the County has used cooperative procurement as the method to purchase municipal hardware/software replacement equipment using available state contracts. Over the past several months, staff has worked with Business Summit Associates, an IBM Business Partner, to coordinate the transition from the current system to the new IBM Power System using a Virginia Association of State College and University Purchasing Professionals cooperative contract via the University of Virginia. If authorized by the Board, the County

will finance \$24,508 over a 36-month term. The annual lease payment of \$708.48 is programmed in the FY 2019 and FY 2020 budgets. Below is a breakdown on the financing totals.

Principal = \$24,508

Interest = \$997.63

Interest rate = 2.76%

Term = 36 months"

Following his review, Mr. Bolster recommended approval of the authorizing resolution.

Chairman Lewis shared his concern that the County continues to use tape drives for storage to back up the County's system instead of newer technology.

Mr. Bolster replied that the tapes are included in the agreement.

Chairman Lewis asked how many tapes the County goes through and if data is backed up daily.

Mr. Bolster confirmed that the County does back up daily and that he was unsure how many tapes are used.

Supervisor Hinty asked Mr. Bolster to search how many tapes the County goes through in a period of time.

Supervisor Lyons moved to adopt the resolution. A second was provided by Supervisor Day, and the motion carried by unanimous roll call vote by the Board.

Ayes: Lyons, Day, Higgins, Hinty, Lewis
Nays: None
Absent: None
Abstain: None

ON MONDAY, APRIL 22, 2019

RESOLUTION TO APPROVE AND AUTHORIZE LEASE-PURCHASE FINANCING THROUGH IBM CREDIT LLC, FOR THE NEW IBM POWER SYSTEM S914 FROM SUMMIT BUSINESS ASSOCIATES, INC.

WHEREAS, on September 19, 2017, the International Business Machines Corporation (“IBM”) issued a service-withdrawal announcement declaring their plan to discontinue lease, rental, and maintenance services for select machines, to include the Power 6 model 8203-E4A which Rockbridge County purchased in 2009; and,

WHEREAS, the need for replacement of the hardware/software system running core business applications essential for the operations of Rockbridge County has been anticipated and planned for through the annual budget process involving the General Fund; and,

WHEREAS, staff has evaluated the available options for warranty, proven service performance, parts availability, maintenance costs, lease terms and sales pricing, and,

WHEREAS, staff has selected the IBM Power S914 9009 model 41A and its associated peripherals and software, to be procured and lease-purchase financed through a Virginia Association of State College and University Purchasing Professionals cooperative contract via the University of Virginia; and,

WHEREAS, staff is coordinating the equipment purchase, upgrade, migration, and installation services with IBM Business Partner Summit Business Associates, Inc. (the “Project”) to meet the deadline of the current hardware/software maintenance contract expiring on May 3, 2019; and

WHEREAS, the County of Rockbridge has received the documentation required by IBM Credit LLC for lease financing in order to pay the capital costs to lease purchase the Project in accordance with the Payment Schedule, incorporated into the Lease-Purchase Master Agreement for State and Local Government dated as of April 1, 2019 (the “Contract”), pursuant to which the County of Rockbridge will lease the project for a term of three (3) years for a monthly rental payment of \$708.48, with ownership of the Project upon payment in full; and,

WHEREAS, the County of Rockbridge reasonably expects the Project to continue to be essential to the functions of the County of Rockbridge for a period of not less than the term of the Contract.

NOW, THEREFORE, BE IT RESOLVED, BY THE ROCKBRIDGE COUNTY BOARD OF SUPERVISORS, as follows:

1. **Essential Governmental Purpose of Project.** Rockbridge County hereby finds and determines that the Project, including the rental payments to IBM Credit LLC, as Lessor, are in the best interests of the County for the acquisition and financing of the Project, and are in furtherance of the essential governmental purposes of the County of Rockbridge.

2. **Approval of Project Acquisition.** The County of Rockbridge hereby approves and ratifies the acquisition of the Project from Summit Business Associates, Inc., under the University of Virginia Contract (# UVA682546-PAC), as amended, with IBM for the total purchase price of up to \$24,508.00.

3. **Approval of Contract and Lease Purchase Arrangements; Designation of Contract.** The substantially final terms and provisions of the Contract and legal documents required by IBM Credit LLC, as “Lessor”, and otherwise advised by legal counsel in connection therewith, are hereby approved, including the payment of all or any portion of the issuance costs with respect to the Contract, filing fees (if any), and any other amounts required under or

contemplated by the Contract. The provisions of the Contract are hereby incorporated in this Authorizing Resolution as if fully stated in the text hereof.

The Contract shall be designated as “**\$24,508.00 Tax-Exempt Government Obligation Contract**”, and shall be fully registered. The Rockbridge County Fiscal Services Director is hereby appointed as Registrar of the Contract, as required under Section 149 of the Internal Revenue Code of 1986, as amended (the “Tax Code”).

4. **Approval, Execution, Delivery and Performance of Contract.** The execution, delivery, and performance of the Contract are hereby authorized and approved. The Chairman of the County of Rockbridge, the Rockbridge County Administrator and the Director of Fiscal Services, any one or more of whom may act, are each hereby appointed as Authorized Representatives under the Contract, and, further, are each authorized and directed to execute, acknowledge, and deliver the Contract with any changes, insertions and omissions therein as may be approved by any one or more of such individuals who shall execute the Contract, such approval to be conclusively evidenced by such execution and delivery thereof. The Clerk of the Rockbridge County Board of Supervisors is authorized and directed, if required, to affix or to cause to be affixed the seal of the County of Rockbridge to the Contract and to attest such seal. Each Authorized Representative of the County of Rockbridge is further authorized and directed to execute and deliver on behalf of the County of Rockbridge such additional instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized herein or contemplated by the Contract, including but not limited to all such instruments and performance of acts as may be required pursuant to the provisions of the Tax Code and Treasury Regulations thereunder and the laws of the Commonwealth of Virginia. All of the foregoing acts previously performed by such Authorized Representatives of the County of Rockbridge are in all respects approved, ratified and confirmed.

5. **Tax Compliance Matters.**

(a) **General Tax Covenants:** The County of Rockbridge hereby represents and covenants that the Project, and all proceeds thereof, shall be used for the essential governmental purposes of the County of Rockbridge and its functions in the operation of Rockbridge County. To the extent that the principal amount of the Contract, together with any proceeds thereof, shall exceed the actual cost of the Project, it is to be understood that the County of Rockbridge hereby directs that any such additional amounts available under the Contract, if any, shall be expended by the County of Rockbridge for capital projects for essential governmental purposes for the benefit of the County of Rockbridge’s essential governmental purposes, or as otherwise may be required under the Tax Code, including the optional prepayment of all or any portion of the outstanding principal amount of the Contract. *Provided, however,* it is reasonably anticipated that all proceeds of the Contract shall be expended by the County of Rockbridge in connection with the Project in less than six (6) months of the closing date thereof to pay the costs of the Project, which total costs exceed the principal amount of the Lease. Further, the County of Rockbridge does not reasonably anticipate any substantial accrual of investment earnings with respect to the Lease.

Notwithstanding, the County of Rockbridge hereby agrees to comply with the provisions of the Tax Code, including the provisions of Section 148 thereof and applicable regulations relating to "arbitrage bonds" within the meaning of the Tax Code. The County further covenants that (i) the proceeds from the issuance and delivery of the Contract will be expended as set forth in the Contract, (ii) a substantial portion of the original principal proceeds of the Contract shall be expended on the closing date of the Contract to pay all or a portion of the costs of the Project. The County of Rockbridge shall comply with the covenants and representations contained in the Contract and otherwise contemplated thereunder, and with the provisions of the Tax Code so that the interest component of the rental paid by the County to Lessor will remain excludible from gross income for Federal income tax purposes.

(b) **Post-Issuance Tax Compliance Procedures:** On June 25, 2018, the County of Rockbridge amended and restated its Post-Issuance Tax Compliance Procedures to monitor its compliance with obligations issued by the County of Rockbridge that are subject to exempt-bond financing rules. The County Administrator (and any designee(s) of the

County Administrator from time to time), as fiscal agent for the County of Rockbridge, shall coordinate with legal counsel and any others as may be necessary or convenient, and from time to time, in order for the County of Rockbridge to continue to satisfy its post-issuance compliance responsibilities with respect to the Contract and any other obligations issued by the County of Rockbridge that are subject to exempt-bond financing rules.

6. **Financial Statements; Record-Keeping Duties.** During the term of the Contract, the County of Rockbridge shall provide to Lessor updated financial statements in order for Lessor to be in receipt of audited financial information as well as copies of such other financial information relating to the Contract, all as may be reasonably requested by Lessor.

In addition, the County of Rockbridge agrees to maintain and/or retain the records and documents in connection with the Contract, including documentation to evidence the use of proceeds thereof, in a manner that shall ensure their complete access to the Internal Revenue Service, until the third anniversary of the later of the final maturity of the Contract or any other applicable provision of the Tax Code or any Treasury Regulations thereunder.

6. **Nature of Obligation.** It is to be understood that the Contract represents a rental arrangement between the County of Rockbridge and Lessor. Nothing in this Authorizing Resolution or the Contract shall constitute a debt of the County of Rockbridge, and the County of Rockbridge shall not be obligated to make any payments under this Authorizing Resolution or the Contract except from monies appropriated by the County of Rockbridge Board for such purposes, from time to time.

7. **Effective Date.** This Resolution shall be effective upon its adoption.

Adopted this 22nd day of April, 2019.

A.J. "Jay" Lewis, II, Chairman
 Rockbridge County Board of Supervisors

CERTIFICATE

The record of the roll-call vote by the Board of Supervisors of Rockbridge County, Virginia on the foregoing resolution duly adopted at its regular public meeting held on the date hereof is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John M. Higgins Buffalo District				
Daniel E. Lyons Kerrs Creek District				
David W. Hinty, Jr. Natural Bridge District				
R.W. Day South River District				
A.J. "Jay" Lewis, II Walkers Creek District				

Dated: April 22, 2019

[SEAL]

Appointments:

Board of Zoning Appeals- Jeff Pufahl's term expires 5/24/2019:

Supervisor Day advised that he had spoken a number of times with Mr. Pufahl who is willing to continue serving the public in this capacity.

Supervisor Day moved to nominate Mr. Pufahl for reappointment to the Board of Zoning Appeals. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

Ayes: Day, Hinty, Lyons, Higgins, Lewis
Nays: None
Absent: None
Abstain: None

Recess:

At 5:49 p.m., Chairman Lewis called for a recess until 6:30 p.m. and read aloud the following notice that was provided to the public:

NOTICE OF CHANGE OF LOCATION FOR PUBLIC HEARINGS

For the convenience of the interested citizens, it is anticipated that the previously advertised public hearings for the upcoming Board of Supervisors meeting on April 22, 2019, will be moved to the Rockbridge County High School Auditorium, 143 Greenhouse Road, Lexington, Virginia 24450 at 6:30 p.m. The public hearings are for K. M. Hotels to conditionally rezone from I-1 to B-1, the amendments to the Land Development Regulations, Section 710, Livestock Confinement Systems and the FY 2020 Budget.

Reconvene:

Chairman Lewis reconvened the Board of Supervisors meeting at 6:30 p.m. in the Rockbridge County High School's Auditorium at which time Public Hearings would be heard.

Public Hearings:**K.M. Hotel- Conditionally Rezone from I-1 to B-1:**

Mr. Crickenberger briefly reviewed the Agenda Item which included the following information: "Enclosed are plans to conditionally rezone a portion of property off of Rocklawn Lane from General Industrial District (I-1) to General Business District (B-1) to develop a hotel per Section 605.02-7 of the Land Development Regulations. The site is behind Pizza Hut and all but .17 acres is already in the B-1 district. The intersection of East Midland Trail and Rocklawn Lane, with the immediate entrance to the McDonald's drive thru, is problematic. We have discussed several options to improve access to the site including creating an entrance further up Rocklawn to the Stonewall Square parking lot so existing traffic can use the stop light at Hardees as well as improving the alignment of the intersection to reduce conflict. Mr. Barger has provided the enclosed concept plan showing stripping of the lanes and signage at the intersection to resolve some of the traffic conflict. As a conditional rezoning, proffers are voluntary and the developer has agreed to these improvements. The Planning Commission has recommended approval of this conditional rezoning and acceptance of the proffers."

Applicant and landowner Chuck Barger introduced surveyor Matthew Tomlinson of Gay and Neel, Inc.

Mr. Tomlinson explained that the traffic concerns were addressed, noting that studies have found that the traffic volume is well below the maximum allowed and no impact is foreseen.

Chairman Lewis inquired about times when traffic could be heavier.

Mr. Thompson responded that the traffic increase appears to be less than what was expected.

Chairman Lewis opened the Public Hearing at 6: 37 p.m. There were no comments. Chairman Lewis then closed the Public Hearing.

Supervisor Hinty suggested that traffic lanes be clearly identified at the intersection of Route 60 and Rocklawn Lane.

Supervisor Higgins moved to adopt the ordinance. A second was provided by Supervisor Hinty, and the motion carried by unanimous roll call vote by the Board.

Ayes: Higgins, Hinty, Lyons, Day, Lewis
Nays: None
Absent: None
Abstain: None

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, APRIL 22, 2019

Ordinance to Change the Zoning Classification From General Industrial District (I-1) to General Business District (B-1), With Conditions, of a .17 Acre Parcel Located on the West Side of Rocklawn Lane Approximately 500 Feet South of Its Intersection With East Midland Trail (Portion of Tax Map # 75-A-40) Owned By Charles W. Barger and Son Construction Company, Inc., Located on the West Side of Rocklawn Lane in the Buffalo Magisterial District

WHEREAS, the Rockbridge County Planning Commission held a public hearing on this matter on March 13, 2019, and continued on April 10, 2019, and recommended to the Board of Supervisors that the proposed zoning classification amendment, with acceptance of proffered conditions, be adopted; and,

WHEREAS, legal notice and advertisement has been provided in accordance with §15.2-2204 of the Code of Virginia (1950, as amended) and in accordance with the Rockbridge County Land Development Regulations; and,

WHEREAS, the Board of Supervisors held a public hearing on this matter on April 22, 2019; and,

WHEREAS, the Board of Supervisors has determined that the conditional rezoning of the subject parcel of land would generally promote the health, safety, convenience and general welfare of the public, and that it accomplishes one or more of the objectives set forth in §15.2-2200 of the Code of Virginia (1950, as amended), and serves one or more of the purposes set forth in §15.2-2283 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Rockbridge County, Virginia, as follows:

1. That the zoning classification of a .17-acre parcel of land, identified upon the Rockbridge County Land Records as a portion of Tax Map # 75-A-40, and shown highlighted on the 'Plat Showing Boundary Line Adjustment Between Tax Parcel 75-14-2 & Tax Parcel 75-A-40', dated 02/11/19, and prepared by Gay and Neel, Inc., a copy of which is attached hereto as Exhibit A, located on the west side of Rocklawn Lane approximately 500 feet south of its intersection with East Midland Trail in the Buffalo Magisterial District of Rockbridge County, is hereby changed from General Industrial District (I-1) to General Business District (B-1), with and subject to the conditions voluntarily proffered in writing by the property owner, as set forth on Exhibit B attached hereto and incorporated herein, and which the Board of Supervisors of Rockbridge County hereby accepts.

2. That this action is taken upon the application of the property owner, Charles W. Barger and Son Construction Company, Inc., by Charles W. Barger, III, President.

3. That this ordinance shall be effective on the date of its adoption. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

Adopted this 22nd day of April, 2019.

Livestock Confinement Ordinance:

The Board of Supervisors left the dais to sit in the audience and receive a presentation by Assistant Director of Community Development Chris Slaydon.

Mr. Slaydon started the presentation by reviewing ways Rockbridge County supports agriculture in Rockbridge County. He listed the following: Land Use Taxation Program, Farming equipment is exempt from machinery and tools tax, Ag/Forest Overlay Districts, support landowners that want to pursue conservation easements, 2004 Route 251/Ross Road downzoning (R-1 to A-2), 2008 Rezoning defined appropriate growth areas, the Economic Development Authority (EDA) recently sponsored a feasibility study for developing a Dairy Processing Facility and local support of Agritourism and alternative agricultural enterprises. Mr. Slaydon then stated that one goal of the 2016 Comprehensive plan is to make agriculture economically profitable for continued viability in Rockbridge County. He then reviewed some of the strategies the current plan lists. They included endorsing and promoting sustainable agriculture and agriculture businesses for retention and creation of jobs, continue to develop and support the concepts of modern commercial production agriculture, and encourage young producers to engage in agriculture via incentive programs and an agriculture friendly environment. Mr. Slaydon then reviewed the current definition of livestock confinement systems and what numbers of animals were required to be considered a livestock confinement systems. He then stated that the A-1 and the A-2 Zoning Districts make up approximately 68% of the County and that Agricultural uses, including Livestock Confinement Systems are a permitted use in the A-1 and A-2 Zoning Districts. State law prohibits requiring a special exception for a bona-fide agricultural

use in an Agricultural Zoning District. Mr. Slaydon then reviewed the site plan requirements and the Land disturbance permit requirements. Mr. Slaydon reviewed three recent examples of poultry facilities. Mr. Slaydon then turned the presentation over to Mr. Crickenberger.

Director of Community Development Sam Crickenberger reviewed the text amendments shown in the proposed ordinance in the Boards packet.

Virginia Cooperative Extension Agenda Tom Stanley read the following statement:

"I encourage the Rockbridge Board of Supervisors adopt the changes to the County Land Development Regulations regarding farm animal housing facilities as recommended by the County Planning Commission. I am convinced the regulations as proposed allow for the protection of both surface and ground water resources and are sufficient to mitigate the most serious air quality and dust concerns.

I make this recommendation based on my 22 years of experience working in the Shenandoah Valley region as an Extension Agent.

Through the late 1990's and early 2000's I assisted in some of the field research in animal waste management that has been conducted in this region.

This research was foundational to the statewide regulations to which virtually all commercial poultry farms are now subject.

These studies included replicated research of different poultry litter application rates and rainfall simulation equipment that measured nutrient run-off in rainfall events with a range of intensities.

Additionally I have had the opportunity to observe the region's poultry industry and work with poultry growers in all the poultry growing

counties in the Shenandoah Valley. The Valley poultry industry has dealt with big challenges over the years including financial uncertainty and disease outbreaks. Through it all, the poultry industry has been a consistent source of cash flow and has empowered families to stay on their farms and make living.

I respect the passion and concern that has been expressed by those opposed to these changes. I would like to try and address briefly: In the interest of brevity I have summarized these concerns under four broad categories: 1) Poultry Housing as a point source of pollution, 2) Poultry waste management and its environmental impact, especially on water sources, 3) Financial and Economic impacts, and 4) Concerns related to sustainability of our food system

1. Modern poultry housing facilities are not a point source of pollution discharge

- a. *Opponents have expressed a concern about spillage and loss of poultry litter immediately around the facility.* One concerned citizens cited their interview with a Virginia Nutrient Management official who indicated approximately 5% of poultry litter produced by a feeding operation was unaccounted for annually. From my own observations of day-to-day operations around a poultry house and having been present numerous times when poultry houses were being cleaned out, I have not seen significant dumping or spillage of litter that would even approach 5% of the total litter tonnage. Virtually every bit of litter is picked up by clean-out equipment and put under cover in the storage facility or placed in the transport trucks.

State law requires any litter being transported over the road be covered. I believe the discrepancy leading this official to estimate 5% of poultry litter is unaccounted for is a function of the nutrient management plan calculations. I think this unaccounted for litter can be found in the variability in moisture content, feed efficiency of individual flocks, and the somewhat imprecise nature of land application of litter. The actual litter applied to a field can vary by anywhere from 5% to 10% of the intended application rate.

b. *Others have expressed concerns regarding the vulnerability of any poultry housing close to a perennial stream to severe storms and flooding.* Modern poultry housing facilities are specifically designed to keep storm water out. Regulations do not allow the facilities to be built in designated flood plains. Some opponents question the validity of flood plain maps in light of speculation that storm events in the near future will become more severe and more frequent. In my discussions with county planning officials, their experience with flood plain mapping indicates the flood plain maps are adequate and aggressively designate land as flood plain even if these areas have no known history of being flooded. Here it is important to have some perspective of other accepted storm contingency plans we have in our county. If future storms cause water flows to extend outside mapped flood plains then we have many commercial and residential structures in peril, not the least of which

would be the capacity of our waste-water treatment facilities to handle the flow that would correspond to such a storm event.

2. Poultry operations as a source of water contamination. Rockbridge County already annually imports thousands of tons of poultry litter from the Shenandoah Valley. Nutrient Management Plans are required in Rockbridge County of any farmer applying 20 or more tons per year. Applied at agronomic rates and in accordance with Nutrient Management Plans poultry litter will be captured by growing plants and utilized to produce a crop and build root systems. Contrast this with the thousands of septic systems county wide that, by design, daily discharge untreated sewage into the soil profile, below the root zone, in karst topography. For our home septic systems, our regulatory policy is 'out of sight, out of mind'. Poultry litter is a potential source of surface and ground water contamination, but because we can see and smell it, that means it's out here where the roots of our crops and pastures can utilize the plant nutrients it contains.
3. Financial and economic considerations. Investment in contract poultry production represents a significant financial risk to the farmer. Rapidly changing technology in the food industry, increasing population pressure in the Shenandoah Valley, and the distance farmers may find themselves from the corporate decision-making process all combine to make the business of contract poultry production uncertain. However all of our poultry growers in Rockbridge are well-acquainted with risk and ultimately it is their decision to make this investment. None of us can foretell the

future. The United States clearly has an appetite for poultry products that one would assume will extend into the future. But there will always be elements of risk and uncertainty in agriculture.

4. Broader Food System Issues. Many opponents of the proposed changes to the County regulations have expressed distrust and disgust with what they term 'factory farming'. A quick look at Rockbridge agriculture statistics in 1924 reveals we once had a local and regional food system where a great deal of commercial food products in Rockbridge grocery stores were sourced locally. Over the intervening 80 years, as a society, we have made choices about our food system. People who want to see our food system changed must come to grips with the fact it took almost 100 years to develop the food system we have and it cannot be radically changed in a span of 18 months. We would also do well to remember that the price of a whole 20-lb turkey in 1924 was about \$100 in today's dollars. I encourage you to pause for a moment to think of the implications to our economy if our food prices were to proportionally increase such that a whole raw turkey that currently sells for around \$20 were to cost over \$100. Our global food system faces numerous challenges, not the least of which relate to climate disruption and our need to reduce carbon emissions. Addressing these challenges will involve trade-offs and demands cohesive national policy. We cannot resolve these issues through these regulations under consideration tonight. Most significantly, we cannot resolve these very serious challenges without farmers actively working the land.

I encourage those opposed to the proposed regulatory changes to become better acquainted with the typical profit, cash flow, and market structure for farm enterprises in Rockbridge

I respect the concerns expressed by many of you. I encourage you to learn more about what it takes to make a viable income from farming in this region. I encourage you to advocate for policies that incentivize the types of farm production you want to see.

Finally, please remember Virginia's thresholds for confined animal feeding operation size is 1/5 that of the Federal Standard. Additionally, Rockbridge County's setback requirements will still be the most restrictive among the Shenandoah Valley poultry producing counties.

Ken Mohler of the Walkers Creek Magisterial District then shared his appreciation of the young farmers who are wanting to continue the farming tradition and encouraged the Board to assist them.

Mike Smith of the Walkers Creek Magisterial District explained that his well was tested at the time of purchase only to find out it was contaminated with ecoli. He stated that the previous owners were required to install a filtered ultraviolet treatment system that does not kill the bacteria but does prevent it from reproducing. Being very bothered by this unexpected event, he stated that he spoke to the water tester who believed it was no big deal because it occurs frequently in Rockbridge County. Mr. Smith further stated that research shows that DCR believes livestock is the biggest cause of the contaminated waterways throughout the County.

Roy Powell of the Natural Bridge Magisterial District explained that the last time he had addressed the Board was eleven years ago at which

time Supervisor Reigel singled him out by stating that the Board's sole intention at that time was to turn the County into a retirement, tourism, and agricultural community. Because of that, he stated, the Board needs to make the best use of the documents being looked at to help the farmers in the County. He then read an excerpt from Section 710.02 of the Code that states the landowner must have a site evaluation performed by a certified engineer or other qualified, and asked who is the other qualified and who will be paying for the evaluation. In closing, Mr. Powell stated that the County should have to pay for the site plans.

Robert Beard of the Walkers Creek Magisterial District shared that farmers are the biggest gamblers in regard to not knowing day by day what the weather will be like and what they can do. He stated that he grew up on a poultry farm and hopes it will remain in the family for generations to come. Mr. Beard added that, if a farmer can make a yearly income, ultimately that income becomes a tax revenue for the County. In closing, Mr. Beard stated that the amendments presented to the ordinance merely clarifies the language so it is easily understood with less chance of a lawsuit among those who interpret it differently.

Stephanie Whipple of the Walkers Creek Magisterial District stated that 236 square miles are being farmed in Rockbridge County which is 39% of the County's square miles of land in the County. She stated that the land had been preserved because of hard-working farmers who have dedicated their lives to agriculture when they could have devoted their knowledge, work ethic, and talents to a career choice with higher payout requiring fewer labor hours and personal sacrifices. Ms. Whipple agreed with the proposed ordinance changes for the following reasons: (1) the changes are

supported by the Rockbridge County Comprehensive Plan, particularly regarding the language to continue to develop and support the concepts of modern commercial production agriculture and encourage young producers to engage in agriculture via incentive programs and ag-friendly environment; (2) the changes eliminate room for multiple interpretations; and (3) Rockbridge County has nine (9) different zoning districts to accomplish a balance between agriculture, commercial, and industrial enterprises and residential development.

Linda Leech of the Kerrs Creek Magisterial District asked that all recognize Earth Day and celebrate the land on Earth. She urged the Board's approval of the amendments set forth by the Planning Commission noting that farmland and how it is used is overseen by multiple outside entities.

Marsha Heatwole of the Kerrs Creek Magisterial advised that local governments have the authority through zoning ordinances to regulate the location of CAFO's. She added that the quality of life begins to decline once a locality becomes CAFO friendly.

Lee Merrill read aloud the following information on behalf of the Rockbridge Area Conservation Council:

"RACC Comments to Rockbridge Supervisors 4/22/2019

For over 40 years, the Rockbridge Area Conservation Council has steadfastly supported planning efforts that preserve farm land from sprawl development while promoting programs that compensate farmers for the tremendous public benefits from open space, clean water, and net positive tax revenue that our community receives from land in agricultural use.

In the weeks since County Staff brought this controversial Ordinance revision to the public's attention, RACC's Land Use and Watershed

Committees have been educating ourselves and our membership about the nature and scale of the environmental impacts these proposed setback changes could unleash from a proliferation of these industrial agricultural facilities in poorly located situations in Rockbridge County.

For the record, RACC has produced and provided to both the Planning Commission and the Supervisors an in-depth 23 page Report on CAFOs' Impacts, but let's focus on our greatest concern, risking degradation of our common water sources; wells, springs, streams, wetlands, sinkholes, and flood prone fields.

In 2018, several weather monitored locations in Rockbridge Co. reported over 90" annual precipitation, almost 2.5 times the typical 38" averages back in the '70s. Line squall storms and downpours of 2" and even 3" of rain per hour are now more frequent here and recently tornado watches have been added to our weather alert system.

Current general climate change modeling for western VA and Rockbridge predict continued rising average annual precipitation, more stormy weather, increasing periods of power interruptions, soils saturation, with streams and field flooding events.

Regrettably, we need to face the reality that our Maury River watershed is already moderately polluted with fecal and other contaminants from both human population and agricultural animal waste. DEQ and DCR programs to deal with this pollution have made only marginal progress in addressing this growing threat to our natural fresh water resources.

Properly operated poultry CAFOs are reported to capture 95 to 98% of their manure-litter for off-site field spreading, but that 2-5% escaping from these industrial facilities still adds significant additional

tonnage of fecal, nutrient, anti-biotic, and pharmaceutical contamination washing directly into our streams and aquifers at CAFO sites and along the trucking routes to field disposition.

Our current Zoning Ordinance's 600' CAFOs setback from water sources (including sinkholes) provides a needed modest buffer, or safety margin, to protect our local karst geology watershed from increased contamination from these "by right" concentrated animal feeding operations in Rockbridge's agricultural zones.

Some Counties have larger setbacks and others smaller setbacks, but the right setback should be determined by the local hydrological setting and the nature of the contamination threat.

Please imagine several of these lightly framed CAFOs barns or manure storage sheds losing their roofs during a 100+ mph line squall, derecho, tornado or hurricane with torrential rainfall and adjacent flooding. As proposed, the CAFO setback from water sources would be 100' (the State's minimum allowed) and doesn't require this land to be vegetated at all and could be maintained as openly tilled field, graveled or perhaps even paved.

RACC and common sense ask our Supervisors to not adopt the proposed Ordinance, but rather to return this issue to the Planners for a fuller consideration on how best to regulate CAFOs in appropriate locations which reduce risk to our community's health, water and air quality, and long term prosperity."

Greg Amonette of the Walkers Creek Magisterial District shared his understanding that there are currently five (5) CAFO applications pending and asked the Board to consider the following questions: (1) can any of

those five (5) applications be built under the current ordinance as it stands? (2) how many of those five (5) need to be as close as 100' from a water source? (3) at least one of the applications shows a project area of 125 acres, so why can't the barns be moved someplace else within that project area to meet the current 600' setback? (4) are these barns being built in certain areas of the project area because excavating costs will be lower than other parts of the land? and (5) have any of the applicants who do not meet the current code requirements been advised that they may apply to the Board of Zoning Appeals for a variance? Mr. Amonette stated that all CAFO facilities produce industrial size manure waste, over 700 tons per year, which cannot be 100% contained. He stated that a percentage of the waste will escape when being transferred ultimately leading into the groundwater and streams. In closing, Mr. Amonette explained that no matter what, it is very likely the wastes will end up in a watershed that will affect the County and its citizens.

Supervisor Higgins asked Mr. Amonette if litter is spread on his own farm.

Mr. Amonette replied, that for 19 years, his neighbor has farmed his land without a lease and once he found out the neighbor spread turkey litter on it, he asked him to stop. He insisted that he did not know it was turkey litter being spread.

Supervisor Higgins asked Mr. Amonette if he could smell it.

Mr. Amonette confirmed and further stated his support of farming agriculture.

Donald Henke of the Walkers Creek Magisterial District disagreed with making any changes to the setbacks in the ordinance to protect the watershed and provided a handout to staff.

Robert Whipple of the Walkers Creek Magisterial District advised that he is a fourth generation farmer and shared his support for passage of the proposed ordinance.

Gretchen Sukow of Lexington shared her concern about increasing waters pollution if the ordinance is passed. She asked the Board to consider waiting a while before taking action so that a full study could be conducted.

Thomas Harris of the Buffalo Magisterial District shared his support of changing the setbacks in the ordinance stating that it only makes sense.

Catherine Siegel of the South River Magisterial District shared her concern about the water contamination increasing and decrease in property values surrounding the facility. She asked the Board to delay any decision to conduct a study.

Jeff Scott of the Walkers Creek Magisterial District shared his concern that the only comments being received are mostly from those who agree with the changes and that not enough opposition has been heard.

Steve Hart of the Kerrs Creek Magisterial District stated that the changes are to provide more clarity so that citizens can receive a clearer and more consistent definition of the language which can equally be applied.

Hobey Bauhan of the Virginia Poultry Federation shared his support of the proposed ordinance changes. He noted that the poultry businesses have a high economic impact and supply local communities with its needs.

Kyle Leonhard of the Augusta County Planning Commission spoke in favor of the proposed ordinance.

James Gercke of the Walkers Creek Magisterial District asked the Board to give these changes more thought and take more time before any consideration is done. He noted that text amendments should not be reactive and that there needs to be a public benefit from the changes.

Michael Riccioni of the Walkers Creek Magisterial District shared his concern of Rockbridge County becoming like New Jersey where people begin to have no respect for its farmers who feed the country. He shared that his family had moved from New Jersey in 1997 for this very reason because its people did not appreciate its farmers.

David Reynolds shared his support of the ordinance stating that DEQ and other agencies will regulate the setbacks ensuring compliance that will not interfere with the watersheds. He added that the amendments are for clarification purposes.

Mack Smith of the Buffalo Magisterial District encouraged the Board to approve the amendment changes which were supported by Farm Bureau.

Chris Wise of the South River Magisterial District asked that the Board send these proposed changes back to the Planning Commission for further review and not rush to make a decision now. He stated that there are concerns about the County's water quality and there should be more time for research.

Lindy Felix of the South River Magisterial District asked that more time be given to do what is best for everyone.

Molly Petty of Kerrs Creek Magisterial District asked the Board to give this issue a deliberate process and noted that farmers too, are concerned about the areas water quality.

Jon McDonald of the Walkers Creek Magisterial District shared his support of the proposed ordinance.

Sandra Stuart of the Kerrs Creek Magisterial District shared her concern about raw manure being transported where at least 15-25 tons will escape and enter the watershed.

Steven Maddox of the Walkers Creek Magisterial District shared that he has two (2) poultry houses that help support his family. He added that he loves to raise his kids on this farm, teaching them proper work ethics.

C.S. Fitzgerald of the South River Magisterial District shared his support of the proposed changes.

Michael Bezok of the Walkers Creek Magisterial District asked the Board to let the farmers farm and support the changes in the ordinance.

Mark Wenger, a dairy consultant in Augusta County, asked the Board to support the ordinance.

Bridget Kelley-Dearing of the Kerrs Creek Magisterial District shared her concern about contamination of the watersheds. She stated that it seems CAFO's are being treated as every-day family farms when in fact they are more like a factory and should be regulated as such.

Jennifer Leech of the Buffalo Magisterial District spoke in favor of the proposed changes to the ordinance.

Elizabeth Daystar of Lexington shared her concern about opening the door to an overpowering amount of CAFO's because it will change the nature of the County and become Rockingham County.

With no further comment, Chairman Lewis closed the public hearing at 8:48 p.m.

Mr. Crickenberger replied to a prior comment stating that the County began looking at the proposed changes as a result of an open lawsuit. He clarified that the State does not have a minimum setback and further clarified that there are not five (5) outstanding applications but in reality there were two; however one was withdrawn.

Supervisor Hinty agreed with the ordinance aligning with DEQ regulations.

Supervisor Lyons asked Mr. Crickenberger where the proposed 100' setback came from.

Mr. Crickenberger replied, from looking at the buffer setbacks associated with land application permits and the Bay Act.

Supervisor Higgins agreed with the fact that farmers want to raise their children on farms and cannot see any additional water contamination from what is being proposed.

Supervisor Higgins moved to adopt the proposed ordinance. Supervisor Hinty provided the second.

Supervisor Lyons asked the Board to allow more time to look into the watershed setback possibly changing it from 100' to either 200' or 300'.

The motion on the floor was made by Supervisor Higgins to approve the proposed changes to the ordinance. The second was made by Supervisor

Hinty, and the ordinance was adopted by the following roll call vote by the Board:

Ayes: Higgins, Hinty, Day, Lewis
Nays: Lyons
Absent: None
Abstain: None

Chairman Lewis announced a five minute break.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA,
HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE
OFFICES ON MONDAY, APRIL 22, 2019

Ordinance to Amend the Rockbridge County Land Development Regulations in Section 302.124 – Livestock Confinement Systems, of Section 302.00 – Specific Definitions of Article 3 – Definitions to Add “Layers” and to Amend Section 710.00 – Livestock Confinement Systems of Article 7 – Use Regulations, to Delete Section 710.01-3 Allowing Improvement or Enlargement of Facilities by Special Exception for Parcels Without Sufficient Acreage; to Clarify Section 710.03-1 Regarding the 300’ Setbacks From the Property Lines Except the Provision for 150’ Setback From the Edge of the Public Right-of-Way; in Section 710.03-2, to Consolidate the 600’ Setback From Existing Dwellings and Public Buildings (i.e., Churches, Graveyards, etc.), but Exempting Family Cemeteries, as Well as the Property Owners’ Dwellings; in Section 710.03-4, to Provide for a 100’ Setback from Water Sources for a Livestock Confinement Facility that is Enclosed and Under Roof and to Remove Provisions for Setback Reductions Based on Site Plan Evaluation; to Delete Section 710.03-5, to Remove 300’ Setback Requirement for New Dwellings on Adjacent Properties; in Section 710.03-6, to Specify the 100 Year Floodplain as the No-build Area and Update the Date of the FEMA Map to April 6, 2000, and Remove the County Zoning Map; in Section 710.04, to Provide That All Livestock Confinement Facilities Shall Have a Nutrient Management Plan Meeting the Requirements of the Department of Conservation and Recreation and Removing all County Requirements for a Nutrient Management Plan by Deleting Sections 710.04-1 Through 710.04-6.

WHEREAS, the Rockbridge County Planning Commission held a public hearing on these amendments to the Land Development Regulations on March 13, 2019, and continued on April 10, 2019, and recommended approval of the proposed text amendments to the Board of Supervisors; and,

WHEREAS, the Rockbridge County Board of Supervisors held a public hearing on these amendments on April 22, 2019; and,

WHEREAS, legal notice has been provided in accordance with Section 15.2-2204 of the Code of Virginia (1950, as amended) and the County of Rockbridge Land Development Regulations; and,

WHEREAS, the Board of Supervisors of Rockbridge County, Virginia, has determined that the provisions of this ordinance promote the health, safety, convenience, and welfare of the public, that the amendments are required by state and federal law and/or good zoning practice and accomplish the objectives set forth in Section 15.2-2200 of the Code of Virginia (1950, as amended), and that the amendments serve one or more of the purposes set forth in Section 15.2-2283 of the Code of Virginia (1950, as amended).

NOW, THEREFORE, BE IT ORDAINED by the Rockbridge County Board of Supervisors:

1. That Section 302.00 – Specific Definitions of Article 3 – Definitions, and Section 710.00 – Livestock Confinement Systems of Article 7 – Use Regulations, of the Rockbridge County Land Development Regulations be amended and reenacted, as follows:

ARTICLE 3. DEFINITIONS

301.00 GENERAL

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word “person” includes a firm, corporation, association, organization, partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

302.124 Livestock Confinement Systems. A livestock confinement facility shall mean the feeding and confining of more than three thousand (3,000) turkeys, nineteen thousand (19,000) broilers or layers, seventy (70) dairy cattle, eight-five (85) fat cattle, one hundred ten (110) horses, more than two hundred eighty (280) swine, three hundred (300) sheep; accessory building, uses and structures, including feed bins, waste storage and treatment facilities, incinerator, disposal pits or cold storage chests used for the collection of dead animals.

ARTICLE 7. USE REGULATIONS

710.00 LIVESTOCK CONFINEMENT SYSTEMS

It is the intent of this Section to provide for the security of Rockbridge County's agricultural districts by encouraging the orderly and responsible growth of livestock confinement systems.

Agricultural operations shall not constitute a nuisance by reason of changed conditions on adjacent or nearby properties as per "Virginia Right to Farm Legislation," §§3.2-300 through §§3.2-302 (formerly §§3.1-22.28 and 3.1-22.29), Code of Virginia (1950), as amended.

710.01 Acreage Requirements:

710.01-1 The minimum parcel size on which an initial livestock confinement facility building may be placed shall be fifteen (15) acres.

710.01-2 For each livestock confinement building, after the first, or portion thereof, five (5) additional acres shall be required, provided that all requirements of this Section are met.

710.01-3 (Sec. 710.01-3 Deleted by Ord. of 4-22-19)

710.02 Site Plan Requirements. The landowner must have a site evaluation performed by a State certified engineer, a State certified geologist, and/or other appropriate personnel to determine the appropriate location of proposed buildings, waste storage and treatment facilities, and appropriate setbacks. Plans shall be submitted to the Zoning Administrator for review. The Zoning Administrator may request assistance from other resources, as necessary, for proper review.

Items to be discussed in this report include, but are not limited to: distance from wells, springs, sinkholes, creeks, streams, rivers, and other geological formations which may pollute the groundwater.

710.03 Setback Requirements. The following setback requirements shall apply to livestock confinement facilities, and includes waste storage sites:

710.03-1 From property lines: three hundred (300) feet, except when the parcel has frontage on a public highway(s) or other public roadway(s) the front setback(s) shall be one hundred and fifty (150) feet from the edge of the road right-of-way(s).

710.03-2 In addition to 710.03-1, from existing dwellings and public buildings (i.e. churches, graveyards, etc.): six hundred (600) feet; from property zoned residential or business: one thousand (1,000) feet. Livestock confinement facility property owners' dwellings and family cemeteries are exempted from this setback.

710.03-3 From incorporation lines of cities and towns: one thousand (1,000) feet.

710.03-4 From water sources such as rivers, creeks, streams, springs, sinkholes, wells and other geological formations which may pollute the groundwater: six hundred (600) feet; one hundred (100) feet if the facility is enclosed and under roof.

710.03-5 Reserved. (Sec. 710.03-5 Deleted by Ord. of 4-22-19)

710.03-6 All livestock confinement facilities, including waste storage and treatment facilities shall not be located within the 100 year Floodplain District, as delineated in the Flood Insurance Study, the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency, dated April 6, 2000, as amended).

710.04 Nutrient Management Plan: All livestock confinement facilities shall have a nutrient management plan meeting the requirements of the Department of Conservation and Recreation.

(Secs. 710.04-1 through 710.04-6) Deleted by Ord. of 4-22-19)

710.05 Specific to Range Turkey Operations. Any range turkey operations consisting of three thousand (3,000) or more birds shall submit a site plan in accordance with [Section 710.02](#). Range turkey operations shall be required to have, and implement, a Nutrient Management Plan and an Erosion and Sediment Control Plan.

710.06 Disposal of Dead Animals. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.

2. That this ordinance shall be in full force and effect on and from the date of its adoption.

Adopted this 22nd day of April, 2019.

FY2020 Budget Public Hearings:

Mr. Suter briefly reviewed the Agenda Item which included the following information: "The Board of Supervisors approved the advertisement of the FY 2020 draft budget and public hearing notice at a regularly scheduled meeting on April 8th. The public hearing notice was advertised in the *News-Gazette* on April 10th and 17th. There are no changes to report from the April 8th request to advertise agenda report. Tonight's public hearing represents the Board's sixth public meeting involving the proposed FY 2020 County budget. The presented budget updates, to include public notices, are available on the County's budget webpage - arranged in presentation order." He then stated that it is important to note that staff have already identified future challenges for FY 2021 and beyond such as increased costs for health insurance, the Department of Social Services, CSA, public safety, and Fire and Rescue paid staffing.

Fiscal Services Director Steven Bolster briefly reviewed the following: "As Mr. Suter stated, this is the sixth public meeting related to the FY 2020 draft budget. Tonight, I'll highlight the three functional categories where the proposed FY 2020 budget sees the greatest amount changed from FY 2019 using various levels of details. They include 1) public safety; 2) health and welfare; and 3) non-departmental. Within public safety, two departments are proposed to see major increases:

1) the fire and rescue department is higher by \$485,449 as part of a request to staff four additional, full-time EMS/firefighter personnel at the Kerrs Creek Station from 6 am to 6 pm; in addition, the budget request supports a volunteer recruitment and retention program that includes pay-per-call funding for volunteers; furthermore, the Board has worked with the School Board to bring on a training officer to provide EMT instruction at Rockbridge County High School, provide continuing education and training for paid staff and volunteers, and provide, as needed, shift coverage for the EMS/firefighter rotation at the three locations the County staffs. With the increase of staff and pay-per-call tracking, the fire and rescue budget includes an administrative assistant to manage the increased office workload.

2) The proposed County cost-share for the Rockbridge Regional Jail is up \$313,158. Key drivers include the contracted services for medical care for inmates, an additional, locally funded jail officer, and general increases across their proposed budget.

Within the health and welfare function, a handful of programs involve proposed higher contributions to support increased agency costs. Most of these requests are linked to mandatory or by-agreement services: 1) the

projected cost-share for the Comprehensive Services Act is up \$98,650, primarily to greater numbers of cases for services involving Rockbridge County residents; 2) on a related program, funding for the regional Department of Social Services is higher by \$23,890. County staff worked with Social Services on an agreement that Social Services will not fill the request for two additional staff members unless the state includes their cost-share reimbursement in the FY 2020 budget; 3) the County's cost-share for the local health department program is up \$19,231; 4) the County's share on the regional Community Services Board is higher by \$14,457; and 5) the Board has committed to fund a one-time, capital contribution of \$100,000 toward the Rockbridge Area Health Center, using unassigned reserves.

For the non-departmental function, the Board has proposed dedicating \$201,184 in planned reserves to fund future projects linked to County and/or School Division CIP projects. This amount represents approximately 0.79 cent on the penny rate.

Other expenditure increases in FY 2020 involve: 1) throughout County departments with County personnel, the Board proposed a 3% cost-of-living increase. When combined with the fringe benefits it amounts to approximately \$75,000 in additional funding needed; additionally, the General Assembly approved funding a 3% cost-of-living increase for Constitutional Officers and their staff; and 3) the Compensation Board approved funding one full-time personnel for the Clerk of the Circuit Court and the Commonwealth's Attorney offices in July and August 2018; neither actions were included in the FY 2019 budget and result in a full-year of budgeting for FY 2020.

As was communicated at the February 21st budget presentation, local, state, and federal revenues are not keeping pace with planned expenditures, in particular requests from external agencies. You may recall at the February 21st meeting that except for the fire and rescue budget, County budgets were up only 1% overall (this was prior to the proposed 3% cost-of-living increase). To reach a balanced budget, the Board is proposing a three-cent increase for the 2019 real estate tax rate. Using the penny rate of \$255,000, this is expected to generate an additional \$765,000 in the FY 2020 budget."

Chairman Lewis opened the Public Hearing at 9:15 p.m.

County land owner and member of the Augusta County Board of Supervisors Michael Shull spoke in favor of the County's budget and noted that the County will be faced with fire and ems staffing issues similar to those Augusta County was faced with.

Chairman Lewis closed the Public Hearing at 9:18 p.m.

Supervisor Higgins commended Mr. Suter and Mr. Bolster for their due diligence in the budget adoption process.

Mr. Suter announced that the board's consideration to adopt the budget would be on Monday, April 29th at 6:00 p.m.

Continued Meeting:

At 9:19 p.m., Chairman Lewis continued this meeting until Monday, April 29th for the FY2020 Budget Adoption at 6:00 p.m. in the Board of Supervisors Meeting Room located at the County Administrative Office Building.